

116TH CONGRESS
1ST SESSION

S. _____

To protect human rights and enhance opportunities for LGBTI people around the world, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Mrs. SHAHEEN, Mr. MERKLEY, Ms. BALDWIN, Ms. KLOBUCHAR, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To protect human rights and enhance opportunities for LGBTI people around the world, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES; TABLE OF CONTENTS.**

4 (a) SHORT TITLES.—This Act may be cited as the
5 “Greater Leadership Overseas for the Benefit of Equality
6 Act of 2019” or the “GLOBE Act of 2019”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short titles; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

- Sec. 4. Documenting and responding to bias-motivated violence against LGBTI people abroad.
- Sec. 5. Sanctions on individuals responsible for violations of human rights against LGBTI people.
- Sec. 6. Combating international criminalization of LGBTI status, expression, or conduct.
- Sec. 7. Foreign assistance to protect human rights of LGBTI people.
- Sec. 8. Global health inclusivity.
- Sec. 9. Immigration reform.
- Sec. 10. Engaging international organizations in the fight against LGBTI discrimination.
- Sec. 11. Representing the rights of United States LGBTI citizens deployed to diplomatic and consular posts.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The norms of good governance, human
4 rights protections, and the rule of law have been vio-
5 lated unconscionably with respect to lesbian, gay, bi-
6 sexual, transgender, and intersex (LGBTI) peoples
7 in an overwhelming majority of countries around the
8 world, where LGBTI people face violence, hatred,
9 bigotry, and discrimination because of who they are
10 and who they love.

11 (2) In at least 68 countries, or almost 40 per-
12 cent of the world, same-sex relations and relation-
13 ships are criminalized. Many countries also crim-
14 inalize or otherwise prohibit cross-dressing and gen-
15 der-affirming treatments for transgender individuals.

16 (3) The World Bank has begun to measure the
17 macro-economic costs of criminal laws targeting
18 LGBTI individuals through lost productivity, detri-

1 mental health outcomes and violence, as a step to-
2 ward mitigating those costs.

3 (4) Violence and discrimination based on sexual
4 orientation and gender identity are documented in
5 the Department of State's annual Country Human
6 Rights Reports to Congress, which show a clear pat-
7 tern of human rights violations, including murder,
8 rape, torture, death threats, extortion, and imprison-
9 ment, in every region of the world based on sexual
10 orientation and gender identity. In many instances
11 police, prison, military, and civilian government au-
12 thorities have been directly complicit in abuses
13 aimed at LGBTI citizens.

14 (5) As documented by the Department of State,
15 LGBTI individuals are subjected in many countries
16 to capricious imprisonment, loss of employment,
17 housing, access to health care, and societal stigma
18 and discrimination. LGBTI-specific restrictions on
19 basic freedoms of assembly, press, and speech exist
20 in every region of the world.

21 (6) Targeted sanctions are an important tool to
22 push for accountability for violations of the human
23 rights of LGBTI people.

24 (7) Anti-LGBTI laws and discrimination pose
25 significant risks for LGBTI youth who reveal their

1 sexual identity to their family or community and
2 often face rejection, homelessness, and limited edu-
3 cational and economic opportunities. These factors
4 contribute to increased risks of substance abuse, sui-
5 cide, and HIV infection among LGBTI youth.

6 (8) Anti-LGBTI laws also increase global
7 health risks. Studies have shown that when LGBTI
8 people, especially LGBTI youth, face discrimination,
9 they are less likely to seek HIV testing, prevention,
10 and treatment services.

11 (9) Because they face tremendous discrimina-
12 tion in the formal labor sector, many sex workers
13 are also LGBTI individuals, and many sex-worker-
14 led programs and clinics serve the LGBTI commu-
15 nity with safe, non-stigmatizing, medical and social
16 care. USAID has also referred to sex workers as a
17 “most-at-risk population”. The anti-prostitution loy-
18 alty oath that health care providers receiving United
19 States assistance must take isolates sex-worker-led
20 and serving groups from programs and reinforces
21 stigma, undermining both the global AIDS response
22 and human rights. In 2013, the Supreme Court held
23 that this requirement is unconstitutional as it ap-
24 plies to United States nongovernmental organiza-
25 tions and their foreign affiliates.

1 (10) According to the Trans Murder Monitoring
2 Project, which monitors homicides of transgender in-
3 dividuals, there were at least 369 cases of reported
4 killings of transgender and gender-diverse people be-
5 tween October 2017 and September 2018, which
6 represents an increase compared to previous years.

7 (11) In many countries, intersex individuals ex-
8 perience prejudice and discrimination because their
9 bodies do not conform to general expectations about
10 sex and gender. Because of these expectations, medi-
11 cally unnecessary interventions are often performed
12 in infancy without the consent or approval of
13 intersex individuals and in violation of international
14 human rights standards.

15 (12) Asylum and refugee protection are critical
16 last-resort protections for LGBTI individuals, but
17 those who seek such protections face ostracization
18 and abuse in refugee camps and detention facilities.
19 They are frequently targeted for violence, including
20 sexual assault, in refugee camps and in immigration
21 detention. LGBTI individuals may be segregated
22 against their will for long periods in solitary confine-
23 ment, in an effort to protect them from such vio-
24 lence, but prolonged solitary confinement itself rep-
25 resents an additional form of abuse that is pro-

1 foundly damaging to the social and psychological
2 well-being of any individual.

3 (13) In December 2011, President Barack
4 Obama directed all Federal foreign affairs agencies
5 to ensure that their diplomatic, humanitarian, health
6 and foreign assistance programs take into account
7 the needs of marginalized LGBTI communities and
8 persons.

9 (14) In 2015, the Department of State estab-
10 lished the position of Special Envoy for the Human
11 Rights of LGBTI Persons.

12 (15) The use of United States diplomatic tools,
13 including the Department of State's exchange and
14 speaker programs, to address the human rights
15 needs of marginalized communities has helped in-
16 form public debates in many countries regarding the
17 protective responsibilities of any democratic govern-
18 ment.

19 (16) Engaging multilateral fora and inter-
20 national institutions is critical to impacting global
21 norms and to broadening global commitments to
22 fairer standards for the treatment of all people, in-
23 cluding LGBTI. The United States must remain a
24 leader in the United Nations system and has a vest-

1 ed interest in the success of that multilateral en-
2 gagement.

3 (17) Ongoing United States participation in the
4 Equal Rights Coalition, which is a new intergovern-
5 mental coalition of more than 40 governments and
6 leading civil society organizations that work together
7 to protect the human rights of LGBTI people
8 around the world, remains vital to international ef-
9 forts to respond to violence and impunity.

10 (18) Those who represent the United States
11 abroad, including our diplomats, development spe-
12 cialists and military, should reflect the diversity of
13 our country and honor America’s call to equality, in-
14 cluding through proud and open service abroad by
15 LGBTI Americans and those living with HIV.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—Except as provided in section 5, the term
20 “appropriate congressional committees” means—

21 (A) the Committee on Foreign Relations of
22 the Senate;

23 (B) the Committee on the Judiciary of the
24 Senate;

1 (C) the Committee on Appropriations of
2 the Senate;

3 (D) the Committee on Foreign Affairs of
4 the House of Representatives;

5 (E) the Committee on the Judiciary of the
6 House of Representatives; and

7 (F) the Committee on Appropriations of
8 the House of Representatives.

9 (2) LGBTI.—The term “LGBTI” means les-
10 bian, gay, bisexual, transgender, or intersex.

11 (3) MEMBER OF A VULNERABLE GROUP.—The
12 term “member of a vulnerable group” means an
13 alien who—

14 (A) is younger than 21 years of age or
15 older than 60 years of age;

16 (B) is pregnant;

17 (C) identifies as lesbian, gay, bisexual,
18 transgender, or intersex;

19 (D) is victim or witness of a crime;

20 (E) has filed a nonfrivolous civil rights
21 claim in a Federal or State court;

22 (F) has a serious mental or physical illness
23 or disability;

24 (G) has been determined by an asylum of-
25 ficer in an interview conducted under section

1 235(b)(1)(B) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1225(b)(1)(B)) to have a
3 credible fear of persecution; or

4 (H) has been determined by an immigra-
5 tion judge or by the Secretary of Homeland Se-
6 curity to be experiencing severe trauma or to be
7 a survivor of torture or gender-based violence,
8 based on information obtained during intake,
9 from the alien’s attorney or legal service pro-
10 vider, or through credible self-reporting.

11 **SEC. 4. DOCUMENTING AND RESPONDING TO BIAS-MOTI-**
12 **VATED VIOLENCE AGAINST LGBTI PEOPLE**
13 **ABROAD.**

14 (a) INFORMATION TO INCLUDE IN ANNUAL COUN-
15 TRY REPORTS ON HUMAN RIGHTS PRACTICES.—The For-
16 eign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is
17 amended—

18 (1) in section 116(d) (22 U.S.C. 2151n(d))—

19 (A) in paragraph (11)(C), by striking
20 “and” at the end;

21 (B) in paragraph (12)(C)(ii), by striking
22 the period at the end and inserting “; and”;
23 and

24 (C) by adding at the end the following:

1 “(13) wherever applicable, violence or discrimi-
2 nation that affects fundamental freedoms, including
3 widespread or systematic violation of the freedoms of
4 expression, association, or assembly of an individual
5 in foreign countries that is based on actual or per-
6 ceived sexual orientation, gender identity, or sex
7 characteristics.”; and

8 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
9 inserting after the ninth sentence the following:
10 “Wherever applicable, such report shall also include
11 information regarding violence or discrimination that
12 affects the fundamental freedoms, including wide-
13 spread or systematic violation of the freedoms of ex-
14 pression, association, or assembly of an individual in
15 foreign countries that is based on actual or perceived
16 sexual orientation, gender identity, or sex character-
17 istics.”.

18 (b) REVIEW AT DIPLOMATIC AND CONSULAR
19 POSTS.—

20 (1) IN GENERAL.—In preparing the annual
21 country reports on human rights practices required
22 under section 116 or 502B of the Foreign Assist-
23 ance Act of 1961 (22 U.S.C. 2151n and 2304), as
24 amended by subsection (a), the Secretary of State

1 shall obtain information from each diplomatic and
2 consular post with respect to—

3 (A) incidents of violence against LGBTI
4 people in the country in which such post is lo-
5 cated;

6 (B) an analysis of the factors enabling or
7 aggravating such incidents, such as government
8 policy, societal pressure, or external actors; and

9 (C) the response, whether public or pri-
10 vate, of the personnel of such post with respect
11 to such incidents.

12 (2) ADDRESSING BIAS-MOTIVATED VIOLENCE.—

13 The Secretary shall include, in the annual strategic
14 plans of the regional bureaus, concrete diplomatic
15 strategies, programs, and policies to address bias-
16 motivated violence using information obtained pursu-
17 ant to paragraph (1), such as programs to build ca-
18 pacity among civil society or governmental entities to
19 document, investigate, and prosecute instances of
20 such violence and provide support to victims of such
21 violence.

22 (c) INTERAGENCY GROUP.—

23 (1) ESTABLISHMENT.—There is established an
24 interagency group on responses to urgent threats to
25 LGBTI people in foreign countries (referred to in

1 this subsection as the “interagency group”), which
2 shall be chaired by the Secretary of State and shall
3 include the Secretary of Defense, the Secretary of
4 the Treasury, the Administrator of the United
5 States Agency for International Development, the
6 Attorney General, and the head of each other Fed-
7 eral department or agency the President determines
8 is relevant to the duties of the interagency group.

9 (2) DUTIES.—The duties of the interagency
10 group shall be—

11 (A) to coordinate the responses of each
12 participating agency with respect to threats di-
13 rected towards LGBTI populations in other
14 countries;

15 (B) to develop longer-term approaches to
16 policy developments and incidents negatively
17 impacting the LGBTI populations in specific
18 countries;

19 (C) to advise the President on the designa-
20 tion of foreign persons for sanctions pursuant
21 to section 5;

22 (D) to identify United States laws and
23 policies, at the Federal, State, and local levels,
24 that affirm the equality of LGBTI persons; and

1 (E) to use such identified laws and policies
2 to develop diplomatic strategies to share the ex-
3 pertise obtained from the implementation of
4 such laws and policies with appropriate officials
5 of countries where LGBTI persons do not enjoy
6 equal protection under the law.

7 (d) SPECIAL ENVOY FOR THE HUMAN RIGHTS OF
8 LGBTI PEOPLES.—

9 (1) ESTABLISHMENT.—The Secretary of State
10 shall establish, in the Bureau of Democracy, Human
11 Rights, and Labor of the Department of State a per-
12 manent Special Envoy for the Human Rights of
13 LGBTI Peoples (referred to in this subsection as the
14 “Special Envoy”), who shall be appointed by the
15 President. The Special Envoy shall report directly to
16 the Assistant Secretary for Democracy, Human
17 Rights, and Labor.

18 (2) PURPOSE.—The Special Envoy shall direct
19 efforts of the United States Government relating to
20 United States foreign policy, as directed by the Sec-
21 retary, regarding human rights abuses against
22 LGBTI people and communities internationally and
23 the advancement of human rights for LGBTI people,
24 and shall represent the United States internationally

1 in bilateral and multilateral engagement on such
2 matters.

3 (3) DUTIES.—

4 (A) IN GENERAL.—The Special Envoy—

5 (i) shall serve as the principal advisor
6 to the Secretary of State regarding human
7 rights for LGBTI people internationally;

8 (ii) notwithstanding any other provi-
9 sion of law, shall direct activities, policies,
10 programs, and funding relating to the
11 human rights of LGBTI people and the
12 advancement of LGBTI equality initiatives
13 internationally, for all bureaus and offices
14 of the Department of State and shall lead
15 the coordination of relevant international
16 programs for all other Federal agencies re-
17 lating to such matters;

18 (iii) shall represent the United States
19 in diplomatic matters relevant to the
20 human rights of LGBTI people, including
21 criminalization, discrimination, and vio-
22 lence against LGBTI people internation-
23 ally;

24 (iv) shall direct, as appropriate,
25 United States Government resources to re-

1 spond to needs for protection, integration,
2 resettlement, and empowerment of LGBTI
3 people in United States Government poli-
4 cies and international programs, including
5 to prevent and respond to criminalization,
6 discrimination, and violence against
7 LGBTI people internationally;

8 (v) shall design, support, and imple-
9 ment activities regarding support, edu-
10 cation, resettlement, and empowerment of
11 LGBTI people internationally, including
12 for the prevention and response to crim-
13 inalization, discrimination, and violence
14 against LGBTI people internationally;

15 (vi) shall lead interagency coordina-
16 tion between the foreign policy priorities
17 related to the human rights of LGBTI peo-
18 ple and the development assistance prior-
19 ities of the LGBTI Coordinator of the
20 United States Agency for International
21 Development;

22 (vii) shall conduct regular consultation
23 with nongovernmental organizations work-
24 ing to prevent and respond to criminaliza-

1 tion, discrimination, and violence against
2 LGBTI people internationally;

3 (viii) shall ensure that programs,
4 projects, and activities of the Department
5 of State and the United States Agency for
6 International Development designed to pre-
7 vent and respond to criminalization, dis-
8 crimination, and violence against LGBTI
9 people internationally are subject to rig-
10 orous monitoring and evaluation, and that
11 there is a uniform set of indicators and
12 standards for such monitoring and evalua-
13 tion that is used across international pro-
14 grams in Federal agencies; and

15 (ix) is authorized to represent the
16 United States in bilateral and multilateral
17 fora on matters relevant to the human
18 rights of LGBTI people internationally, in-
19 cluding criminalization, discrimination, and
20 violence against LGBTI people internation-
21 ally.

22 (e) TRAINING AT INTERNATIONAL LAW ENFORCE-
23 MENT ACADEMIES.—The President shall ensure that any
24 international law enforcement academy supported by
25 United States assistance shall provide training with re-

1 spect to the rights of LGBTI people, including through
2 specialized courses highlighting best practices in the docu-
3 mentation, investigation and prosecution of bias-motivated
4 hate crimes targeting persons based on actual or perceived
5 sexual orientation, gender identity, or sex characteristics.

6 **SEC. 5. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR**
7 **VIOLATIONS OF HUMAN RIGHTS AGAINST**
8 **LGBTI PEOPLE.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act and biannually there-
11 after, the President shall submit a list to the appropriate
12 congressional committees that identifies each foreign per-
13 son who the President determines, based on credible infor-
14 mation, including information obtained by other countries
15 or by nongovernmental organizations that monitor viola-
16 tions of human rights—

17 (1) is responsible for or complicit in, with re-
18 spect to persons based on actual or perceived sexual
19 orientation, gender identity, or sex characteristics—

20 (A) cruel, inhuman, or degrading treat-
21 ment or punishment;

22 (B) prolonged detention without charges
23 and trial;

1 (C) causing the disappearance of such per-
2 sons by the abduction and clandestine detention
3 of such persons; or

4 (D) other flagrant denial of the right to
5 life, liberty, or the security of such persons;

6 (2) acted as an agent of or on behalf of a for-
7 eign person in a matter relating to an activity de-
8 scribed in paragraph (1); or

9 (3) is responsible for or complicit in inciting a
10 foreign person to engage in an activity described in
11 paragraph (1).

12 (b) FORM; UPDATES; REMOVAL.—

13 (1) FORM.—The list required under subsection
14 (a) shall be submitted in unclassified form and pub-
15 lished in the Federal Register without regard to the
16 requirements of section 222(f) of the Immigration
17 and Nationality Act (8 U.S.C. 1202(f)) with respect
18 to confidentiality of records pertaining to the
19 issuance or refusal of visas or permits to enter the
20 United States, except that the President may include
21 a foreign person in a classified, unpublished annex
22 to such list if the President—

23 (A) determines that—

24 (i) it is vital for the national security
25 interests of the United States to do so; and

1 (ii) the use of such annex, and the in-
2 clusion of such person in such annex,
3 would not undermine the overall purpose of
4 this section to publicly identify foreign per-
5 sons engaging in the conduct described in
6 subsection (a) in order to increase account-
7 ability for such conduct; and

8 (B) not later than 15 days before including
9 such person in a classified annex, provides to
10 the appropriate congressional committees notice
11 of, and a justification for, including or con-
12 tinuing to include each foreign person in such
13 annex despite the existence of any publicly
14 available credible information indicating that
15 each such foreign person engaged in an activity
16 described in subsection (a).

17 (2) UPDATES.—The President shall transmit to
18 the appropriate congressional committees an update
19 of the list required by subsection (a) as new infor-
20 mation becomes available.

21 (3) REMOVAL.—A foreign person may be re-
22 moved from the list required under subsection (a) if
23 the President determines and reports to the appro-
24 priate congressional committees not later than 15

1 days before the removal of such person from such
2 list that—

3 (A) credible information exists that such
4 person did not engage in the activity for which
5 the person was included in such list;

6 (B) such person has been prosecuted ap-
7 propriately for the activity in which such person
8 engaged; or

9 (C) such person has credibly demonstrated
10 a significant change in behavior, has paid an
11 appropriate consequence for the activities in
12 which such person engaged, and has credibly
13 committed to not engage in an activity de-
14 scribed in subsection (a).

15 (c) PUBLIC SUBMISSION OF INFORMATION.—The
16 President shall issue public guidance, including through
17 United States diplomatic and consular posts, setting forth
18 the manner by which the names of foreign persons that
19 may meet the criteria to be included on the list required
20 under subsection (a) may be submitted to the Department
21 of State for evaluation.

22 (d) REQUESTS FROM CHAIR AND RANKING MEMBER
23 OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

24 (1) CONSIDERATION OF INFORMATION.—In ad-
25 dition to the guidance issued pursuant to subsection

1 (c), the President shall also consider information
2 provided by the Chair or Ranking Member of each
3 of the appropriate congressional committees in de-
4 termining whether to include a foreign person in the
5 list required under subsection (a).

6 (2) REQUESTS.—Not later than 120 days after
7 receiving a written request from the Chair or Rank-
8 ing Member of 1 of the appropriate congressional
9 committees with respect to whether a foreign person
10 meets the criteria for being included in the list re-
11 quired under subsection (a), the President shall sub-
12 mit a response to such Chair or Ranking Member,
13 as the case may be, with respect to the President’s
14 determination relating to such foreign person.

15 (3) REMOVAL.—If the President removes a for-
16 eign person who had been included in the list re-
17 quired under subsection (a) pursuant to a request
18 under paragraph (2), the President shall provide to
19 the relevant Chair or Ranking Member of 1 of the
20 appropriate congressional committees any informa-
21 tion that contributed to such decision.

22 (4) FORM.—The President may submit a re-
23 sponse required under paragraph (2) or (3) in classi-
24 fied form if the President determines that such form

1 is necessary to protect the national security interests
2 of the United States.

3 (e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

4 (1) INELIGIBILITY FOR VISAS AND ADMISSION
5 TO THE UNITED STATES.—A foreign person included
6 on the list required under subsection (a) is—

7 (A) inadmissible to the United States;

8 (B) ineligible to receive a visa or other doc-
9 umentation to enter the United States; and

10 (C) otherwise ineligible to be admitted or
11 paroled into the United States or to receive any
12 other benefit under the Immigration and Na-
13 tionality Act (8 U.S.C. 1101 et seq.).

14 (2) CURRENT VISAS REVOKED.—

15 (A) IN GENERAL.—The issuing consular
16 officer or the Secretary of State (or a designee
17 of the Secretary of State), in accordance with
18 section 221(i) of the Immigration and Nation-
19 ality Act (8 U.S.C. 1201(i)), shall revoke any
20 visa or other entry documentation issued to a
21 foreign person included on the list required
22 under subsection (a) regardless of when the visa
23 or other entry documentation is issued.

24 (B) EFFECT OF REVOCATION.—A revoca-
25 tion under subparagraph (A) shall—

- 1 (i) take effect immediately; and
2 (ii) automatically cancel any other
3 valid visa or entry documentation that is in
4 the foreign person's possession.

5 (C) RULEMAKING.—Not later than 180
6 days after the date of the enactment of this
7 Act, the Secretary of State shall prescribe such
8 regulations as are necessary to carry out this
9 subsection.

10 (D) EXCEPTION TO COMPLY WITH INTER-
11 NATIONAL OBLIGATIONS.—Sanctions under this
12 subsection shall not apply with respect to a for-
13 eign person if admitting or paroling such per-
14 son into the United States is necessary to per-
15 mit the United States to comply with the
16 Agreement regarding the Headquarters of the
17 United Nations, signed at Lake Success, June
18 26, 1947, and entered into force November 21,
19 1947, between the United Nations and the
20 United States, or other applicable international
21 obligations.

22 (3) SENSE OF CONGRESS WITH RESPECT TO
23 ADDITIONAL SANCTIONS.—It is the sense of Con-
24 gress that the President should impose additional
25 targeted sanctions with respect to foreign persons

1 included on the list required under subsection (a) to
2 push for accountability for flagrant denials of the
3 right to life, liberty, or the security of the person,
4 through the use of designations and targeted sanc-
5 tions provided for such conduct under other existing
6 authorities.

7 (4) WAIVERS IN THE INTEREST OF NATIONAL
8 SECURITY.—

9 (A) IN GENERAL.—The President may
10 waive the application of paragraph (1) or (2)
11 with respect to a foreign person included on the
12 list required under subsection (a) if the Presi-
13 dent determines and submits to the appropriate
14 congressional committees notice and justifica-
15 tion that such a waiver—

16 (i) is necessary to permit the United
17 States to comply with the Agreement be-
18 tween the United Nations and the United
19 States of America regarding the Head-
20 quarters of the United Nations, signed
21 June 26, 1947, and entered into force No-
22 vember 21, 1947, or other applicable inter-
23 national obligations of the United States;
24 or

1 (ii) is in the national security interests
2 of the United States.

3 (B) TIMING OF CERTAIN WAIVERS.—A
4 waiver pursuant to a determination under sub-
5 paragraph (A)(ii) shall be submitted not later
6 than 15 days before the granting of such waiv-
7 er.

8 (f) REPORT TO CONGRESS.—Not later than 1 year
9 after the date of the enactment of this Act and annually
10 thereafter, the President, acting through the Secretary of
11 State, shall submit a report to the appropriate congres-
12 sional committees that describes—

13 (1) the actions taken to carry out this section,
14 including—

15 (A) the number of foreign persons added
16 to or removed from the list required under sub-
17 section (a) during the year preceding each such
18 report, the dates on which such persons were so
19 added or removed, and the reasons for so add-
20 ing or removing such persons; and

21 (B) an analysis that compares increases or
22 decreases in the number of such persons added
23 or removed year-over-year and the reasons for
24 such actions; and

1 (2) any efforts by the President to coordinate
2 with the governments of other countries, as appro-
3 priate, to impose sanctions that are similar to the
4 sanctions imposed under this section.

5 (g) DEFINITIONS.—In this section:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Armed Services of
10 the Senate;

11 (B) the Committee on Foreign Relations of
12 the Senate;

13 (C) the Committee on Homeland Security
14 and Governmental Affairs of the Senate;

15 (D) the Committee on the Judiciary of the
16 Senate;

17 (E) the Committee on Armed Services of
18 the House of Representatives;

19 (F) the Committee on Foreign Affairs of
20 the House of Representatives;

21 (G) the Committee on Homeland Security
22 of the House of Representatives; and

23 (H) the Committee on the Judiciary of the
24 House of Representatives.

1 (2) FOREIGN PERSON.—The term “foreign per-
2 son” has the meaning given such term in section
3 595.304 of title 31, Code of Federal Regulations (as
4 in effect on the day before the date of the enactment
5 of this Act).

6 (3) PERSON.—The term “person” has the
7 meaning given such term in section 591.308 of title
8 31, Code of Federal Regulations (as in effect on the
9 day before the date of the enactment of this Act).

10 (h) EXCLUSION FOR PERSECUTION OF LGBTI INDI-
11 VIDUALS.—Section 212(a)(2) of the Immigration and Na-
12 tionality Act (8 U.S.C. 1182(a)(2)) is amended by adding
13 at the end the following:

14 “(J) HUMAN RIGHTS VIOLATORS.—Any
15 alien who, while serving as an official of a for-
16 eign government, was responsible for, or di-
17 rectly carried out, serious violations of the
18 human rights of LGBTI individuals or tar-
19 geting LGBTI people, is inadmissible.”.

20 **SEC. 6. COMBATING INTERNATIONAL CRIMINALIZATION OF**
21 **LGBTI STATUS, EXPRESSION, OR CONDUCT.**

22 (a) ANNUAL STRATEGIC REVIEW.—The Secretary of
23 State, in consultation with the Administrator of the
24 United States Agency for International Development dur-

1 ing the course of annual strategic planning, shall include
2 an examination of—

3 (1) the progress made in countries around the
4 world toward the decriminalization of the status, ex-
5 pression, and conduct of LGBTI individuals;

6 (2) the obstacles that remain toward achieving
7 such decriminalization; and

8 (3) the strategies available to the Department
9 and the Agency to address such obstacles.

10 (b) ELEMENTS.—The examination described in sub-
11 section (a) shall include—

12 (1) the full range of criminal and civil laws of
13 other countries that disproportionately impact com-
14 munities of LGBTI individuals or apply with respect
15 to the conduct of LGBTI individuals; and

16 (2) in consultation with the Attorney General,
17 a list of countries in each geographic region with re-
18 spect to which—

19 (A) the Attorney General, acting through
20 the Office of Overseas Prosecutorial Develop-
21 ment Assistance and Training of the Depart-
22 ment of Justice, shall prioritize programs seek-
23 ing—

24 (i) to decriminalize the status, expres-
25 sion, and conduct of LGBTI individuals;

1 (ii) to monitor the trials of those prosecuted because of such status, expression,
2 or conduct; and

3 (iii) to reform related laws having a
4 discriminatory impact on LGBTI individuals;
5 and

6 (B) applicable speaker or exchange programs sponsored by the United States Government could bring together civil society and governmental leaders—

7 (i) to promote the recognition of
8 LGBTI rights through educational exchanges in the United States; and

9 (ii) to support better understanding of
10 the role that governments and civil societies mutually play in assurance of equal
11 treatment of LGBTI populations in other
12 countries.

13 **SEC. 7. FOREIGN ASSISTANCE TO PROTECT HUMAN RIGHTS**
14 **OF LGBTI PEOPLE.**

15 (a) GLOBAL EQUALITY FUND.—

16 (1) IN GENERAL.—The Secretary of State shall
17 establish a fund, which shall be known as the “Global
18 Equality Fund” and shall be managed by the As-

1 sistant Secretary of the Bureau of Democracy,
2 Human Rights and Labor.

3 (2) FUNDING SOURCES.—

4 (A) IN GENERAL.—The Global Equality
5 Fund shall consist of such sums as may be ap-
6 propriated to provide grants, emergency assist-
7 ance, and technical assistance to eligible civil
8 society organizations and human rights defend-
9 ers working to advance and protect human
10 rights for all including LGBTI persons, by
11 seeking to achieve the goals set forth in para-
12 graph (3).

13 (B) CONTRIBUTIONS.—The Secretary may
14 accept financial and technical contributions to
15 the Global Equality Fund from corporations, bi-
16 lateral donors, foundations, nongovernmental
17 organizations, and other entities supporting the
18 goals set forth in paragraph (3).

19 (3) GOALS.—The goals set forth in this para-
20 graph are—

21 (A) ensuring the freedoms of assembly, as-
22 sociation, and expression;

23 (B) protecting persons or groups against
24 the threat of violence, including medically un-

1 necessary interventions performed on intersex
2 infants;

3 (C) advocating against laws that crim-
4 inalize LGBTI status, expression, or conduct or
5 discriminate against individuals on the basis of
6 sexual orientation, gender identity, or sex char-
7 acteristics;

8 (D) ending explicit and implicit forms of
9 discrimination in the workplace, housing, edu-
10 cation, and other public institutions or services;
11 and

12 (E) building community awareness and
13 support for the human rights of LGBTI per-
14 sons.

15 (4) PRIORITIZATION.—In providing assistance
16 through the Global Equality Fund, the Secretary
17 shall ensure due consideration and appropriate
18 prioritization of assistance to groups that have his-
19 torically been excluded from programs undertaken to
20 achieve the goals set forth in paragraph (3).

21 (b) LGBTI GLOBAL DEVELOPMENT PARTNER-
22 SHIP.—

23 (1) IN GENERAL.—The Administrator of the
24 United States Agency for International Develop-
25 ment, in consultation with the Secretary of State,

1 shall establish a partnership, which shall be known
2 as the “LGBTI Global Development Partnership”,
3 to leverage the financial and technical contributions
4 of corporations, bilateral donors, foundations, non-
5 governmental organizations, and universities to sup-
6 port the human rights and development of LGBTI
7 persons around the world by supporting programs,
8 projects, and activities for the purposes set forth in
9 paragraph (2).

10 (2) PURPOSES.—The purposes set forth in this
11 paragraph are—

12 (A) strengthening the capacity of LGBTI
13 leaders and civil society organizations;

14 (B) training LGBTI leaders to effectively
15 participate in democratic processes and lead
16 civil institutions;

17 (C) conducting research to inform national,
18 regional, or global policies and programs; and

19 (D) promoting economic empowerment
20 through enhanced LGBTI entrepreneurship and
21 business development.

22 (c) CONSULTATION.—In coordinating programs,
23 projects, and activities through the Global Equality Fund
24 or the Global Development Partnership, the Secretary of
25 State shall consult, as appropriate, with the Administrator

1 of the United States Agency for International Develop-
2 ment and the heads of other relevant Federal departments
3 and agencies.

4 (d) REPORT.—The Secretary of State shall submit an
5 annual report to the appropriate congressional committees
6 that describes the work of, successes obtained, and chal-
7 lenges faced by, the Global Equality Fund and the LGBTI
8 Global Development Partnership established pursuant to
9 this section.

10 (e) LIMITATION ON ASSISTANCE RELATING TO
11 EQUAL ACCESS.—

12 (1) IN GENERAL.—None of the amounts au-
13 thorized to be appropriated or otherwise made avail-
14 able to provide United States assistance for any hu-
15 manitarian, development, or global health programs
16 may be made available to any contractor, grantee, or
17 implementing partner, unless such recipient—

18 (A) ensures that the program, project, or
19 activity funded by such amounts are made
20 available to all elements of the population, ex-
21 cept to the extent that such program, project,
22 or activity targets a population because of the
23 higher assessed risk of negative outcomes
24 among such populations;

1 (B) undertakes to make every reasonable
2 effort to ensure that each subcontractor or sub-
3 grantee of such recipient complies with the re-
4 quirement under subparagraph (A); and

5 (C) agrees to return all amounts awarded
6 or otherwise provided by the United States, in-
7 cluding such additional penalties as the Sec-
8 retary of State may determine to be appro-
9 priate, if the recipient does not comply with the
10 requirement under subparagraph (A).

11 (2) QUARTERLY REPORT.—The Secretary of
12 State shall submit a quarterly report to the appro-
13 priate congressional committees that describes the
14 methods by which the Department of State monitors
15 compliance with the requirement under paragraph
16 (1)(A).

17 **SEC. 8. GLOBAL HEALTH INCLUSIVITY.**

18 (a) IN GENERAL.—The Coordinator of United States
19 Government Activities to Combat HIV/AIDS Globally (re-
20 ferred to in this section as the “Coordinator”) shall—

21 (1) develop mechanisms to ensure that the im-
22 plementation of the President’s Emergency Plan for
23 AIDS Relief (PEPFAR) equitably serves LGBTI
24 people in accordance with the goals described in sec-
25 tion 7(e), including by requiring all partner entities

1 receiving assistance through PEPFAR to receive
2 training on the health needs of and human rights
3 standards relating to LGBTI people; and

4 (2) promptly notify Congress of any obstacles
5 encountered by a foreign government or contractor,
6 grantee, or implementing partner in the effort to eq-
7 uitably implement PEPFAR as described in such
8 section, including any remedial steps taken by the
9 Coordinator to overcome such obstacles.

10 (b) REPORT ON INTERNATIONAL PROSECUTIONS FOR
11 SEX WORK OR CONSENSUAL SEXUAL ACTIVITY.—Not
12 later than 180 days after the date of the enactment of
13 this Act, the Coordinator shall submit a report to the ap-
14 propriate congressional committees that describes the
15 manner in which commodities, such as condoms, provided
16 by programs, projects, or activities funded through
17 PEPFAR or other sources of United States assistance
18 have been used as evidence to arrest, detain, or prosecute
19 individuals in other countries in order to enforce domestic
20 laws criminalizing sex work or consensual sexual activity.

21 (c) REPORT ON HIV/AIDS-RELATED INDEX TEST-
22 ING.—Not later than 180 days after the date of the enact-
23 ment of this Act, the Coordinator shall submit a report
24 to the appropriate congressional committees that describes
25 the impact of partner notification services and index test-

1 ing on treatment adherence, intimate partner violence, and
2 exposure to the criminal justice system for key popu-
3 lations, including LGBTI people and sex workers, using
4 qualitative and quantitative data.

5 (d) REMOVING LIMITATIONS ON ELIGIBILITY FOR
6 FOREIGN ASSISTANCE.—

7 (1) CONFORMING AMENDMENTS TO TVPRA AU-
8 THORIZATION.—Section 113 of the Trafficking Vic-
9 tims Protection Act of 2000 (22 U.S.C. 7110) is
10 amended—

11 (A) by striking subsection (g); and

12 (B) by redesignating subsections (h) and
13 (i) as subsections (g) and (h), respectively.

14 (2) CONFORMING AMENDMENTS TO PEPFAR AU-
15 THORIZATION.—Section 301 of the United States
16 Leadership Against HIV/AIDS, Tuberculosis, and
17 Malaria Act of 2003 (22 U.S.C. 7631) is amended—

18 (A) by striking subsections (d) through (f);

19 and

20 (B) by redesignating subsection (g) as sub-
21 section (d).

22 (3) CONFORMING AMENDMENTS TO THE ALLO-
23 CATION OF FUNDS BY THE GLOBAL AIDS COORDI-
24 NATOR.—Section 403(a) of such Act (22 U.S.C.
25 7673(a)) is amended—

1 (A) in paragraph (1)—

2 (i) by striking “shall—” and all that
3 follows through “(A) provide” and insert-
4 ing “shall provide”;

5 (ii) by striking “; and” and inserting
6 a period; and

7 (iii) by striking subparagraph (B);
8 and

9 (B) in paragraph (2)—

10 (i) by striking “PREVENTION STRAT-
11 EGY.—” and all that follows through “In
12 carrying out paragraph (1)” and inserting
13 “PREVENTION STRATEGY.—In carrying
14 out paragraph (1)”; and

15 (ii) by striking subparagraph (B).

16 **SEC. 9. IMMIGRATION REFORM.**

17 (a) PERMANENT PARTNERS.—Section 101(a) of the
18 Immigration and Nationality Act (8 U.S.C. 1101(a)) is
19 amended—

20 (1) in paragraph (35), by inserting “includes
21 any permanent partner, but” before “does not in-
22 clude”; and

23 (2) by adding at the end the following:

24 “(53) The term ‘marriage’ includes a permanent
25 partnership.

1 “(54) The term ‘permanent partner’ means an indi-
2 vidual who is 18 years of age or older and—

3 “(A) is in a committed, intimate relationship
4 with another individual who is 18 years of age or
5 older, in which both parties intend a lifelong com-
6 mitment;

7 “(B) is financially interdependent with the
8 other individual;

9 “(C) is not married to anyone other than the
10 other individual;

11 “(D) is a national of or, in the case of a person
12 having no nationality, last habitually resided in a
13 country that prohibits marriage between the individ-
14 uals; and

15 “(E) is not a first-, second-, or third-degree
16 blood relation of the other individual.

17 “(55) The term ‘permanent partnership’ means the
18 relationship that exists between 2 permanent partners.”.

19 (b) REFUGEES AND ASYLUM SEEKERS.—

20 (1) LGBTI SOCIAL GROUP.—Section
21 101(a)(42) of the Immigration and Nationality Act
22 (8 U.S.C. 1101(a)(42)) is amended by adding at the
23 end the following: “For purposes of determinations
24 under this Act, a person who has been persecuted on
25 the basis of sexual orientation or gender identity

1 shall be deemed to have been persecuted on account
2 of membership in a particular social group and a
3 person who has a well founded fear of persecution
4 on the basis of sexual orientation or gender identity
5 shall be deemed to have a well founded fear of perse-
6 cution on account of membership in a particular so-
7 cial group.”.

8 (2) REPORT.—Section 103(e)(2) of such Act (8
9 U.S.C. 1103(e)(2)) is amended—

10 (A) by striking “on the number” and in-
11 serting the following: “regarding—
12 “(A) the number”; and

13 (B) by striking the period at the end and
14 inserting the following: “; and

15 “(B) the total number of applications for asy-
16 lum and refugee status received that are, in whole
17 or in part, based on persecution or a well founded
18 fear of persecution on account of sexual orientation
19 or gender identity, and the rate of approval adminis-
20 tratively of such applications.”.

21 (3) ASYLUM FILING DEADLINE REPEAL.—

22 (A) IN GENERAL.—Section 208(a)(2) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1158(a)(2)) is amended—

25 (i) by striking subparagraph (B);

1 (ii) by redesignating subparagraphs
2 (C), (D), and (E) as subparagraphs (B),
3 (C), and (D);

4 (iii) in subparagraph (B), as redesign-
5 nated, by striking “subparagraph (D)” and
6 inserting “subparagraph (C)”;

7 (iv) by amending subparagraph (C),
8 as redesignated, to read as follows:

9 “(C) CHANGED CIRCUMSTANCES.—Not-
10 withstanding subparagraph (B), an application
11 for asylum of an alien may be considered if the
12 alien demonstrates to the satisfaction of the At-
13 torney General the existence of changed cir-
14 cumstances which materially affect the appli-
15 cant’s eligibility for asylum.”; and

16 (v) in subparagraph (D), as redesign-
17 nated, by striking “Subparagraphs (A) and
18 (B)” and inserting “Subparagraph (A)”.

19 (B) APPLICATION.—The amendments
20 made by subparagraph (A) shall apply to appli-
21 cations for asylum filed before, on, or after the
22 date of the enactment of this Act.

23 (c) COUNSEL.—

1 (1) APPOINTMENT OF COUNSEL.—Section
2 240(b)(4) of the Immigration and Nationality Act (8
3 U.S.C. 1229a(b)(4)) is amended—

4 (A) in subparagraph (A), by striking the
5 comma at the end and inserting a semicolon;

6 (B) in subparagraph (B), by striking “Act
7 , and” and inserting “Act;”

8 (C) in subparagraph (C), by striking the
9 period at the end and inserting “; and”; and

10 (D) by adding at the end the following:

11 “(D) notwithstanding subparagraph (A), if
12 an indigent alien requests representation, such
13 representation shall be appointed by the court,
14 at the expense of the Government, for such pro-
15 ceedings.”.

16 (2) RIGHT TO COUNSEL.—Section 292 of such
17 Act (8 U.S.C. 1362) is amended—

18 (A) by striking “In any removal” and in-
19 serting the following:

20 “(a) IN GENERAL.—In any removal”;

21 (B) in subsection (a), as redesignated, by
22 striking “he” and inserting “the person”; and

23 (C) by adding at the end the following:

24 “(b) COURT APPOINTMENT.—Notwithstanding sub-
25 section (a), if an indigent alien requests representation,

1 such representation shall be appointed by the court, at the
2 expense of the Government, for the proceedings described
3 in subsection (a).

4 “(c) REFUGEE PROCEEDINGS.—In an interview re-
5 lating to admission under section 207, an alien shall have
6 the privilege of being represented, at no expense to the
7 Government, by such counsel, authorized to practice in
8 such proceedings, as the alien shall choose.”.

9 (d) REFUGEE ADMISSIONS OF LGBTI ALIENS FROM
10 CERTAIN COUNTRIES.—

11 (1) IN GENERAL.—Aliens who are nationals of
12 or, in the case of aliens having no nationality, last
13 habitually resided in a country that fails to protect
14 against persecution on the basis of sexual orienta-
15 tion or gender identity and share common character-
16 istics that identify them as targets of persecution on
17 account of sexual orientation or gender identity are
18 eligible for Priority 2 processing under the refugee
19 resettlement priority system.

20 (2) RESETTLEMENT PROCESSING.—

21 (A) IN GENERAL.—If a refugee admitted
22 under section 207 of the Immigration and Na-
23 tionality Act (8 U.S.C. 1157) discloses informa-
24 tion to an employee or contractor of the Bureau
25 of Population, Refugees, and Migration of the

1 Department of State regarding the refugee's
2 sexual orientation or gender identity, the Sec-
3 retary of State, with the refugee's consent, shall
4 provide such information to the appropriate na-
5 tional resettlement agency—

6 (i) to prevent the refugee from being
7 placed in a community in which the ref-
8 ugee is likely to face continued discrimina-
9 tion; and

10 (ii) to place the refugee in a commu-
11 nity that offers services that meet the
12 needs of the refugee.

13 (B) NATIONAL RESETTLEMENT AGENCIES
14 DEFINED.—The term “national resettlement
15 agency” means an agency contracting with the
16 Department of State to provide sponsorship and
17 initial resettlement services to refugees entering
18 the United States.

19 (e) TRAINING PROGRAM.—

20 (1) TRAINING PROGRAM.—In order to create an
21 environment in which an alien may safely disclose
22 such alien's sexual orientation or gender identity,
23 the Secretary of Homeland Security, in consultation
24 with the Secretary of State, shall establish a training
25 program for staff and translators who participate in

1 the interview process of aliens seeking asylum or sta-
2 tus as a refugee.

3 (2) COMPONENTS OF TRAINING PROGRAM.—

4 The training program described in paragraph (1)
5 shall include instruction regarding—

6 (A) appropriate word choice and word
7 usage;

8 (B) creating safe spaces and facilities for
9 LGBTI aliens;

10 (C) confidentiality requirements; and

11 (D) nondiscrimination policies.

12 (f) LIMITATION ON DETENTION.—

13 (1) PRESUMPTION OF RELEASE.—

14 (A) IN GENERAL.—Notwithstanding any
15 other provision of law and except as provided in
16 subparagraphs (B) and (C), the Secretary of
17 Homeland Security—

18 (i) may not detain an alien who is a
19 member of a vulnerable group under any
20 provision of the Immigration and Nation-
21 ality Act (8 U.S.C. 1101 et seq.) pending
22 a decision with respect to whether the alien
23 is to be removed from the United States;
24 and

1 (ii) shall immediately release any de-
2 tained alien who is a member of a vulner-
3 able group.

4 (B) EXCEPTIONS.—The Secretary of
5 Homeland Security may detain, pursuant to the
6 Immigration and Nationality Act (8 U.S.C.
7 1101 et seq.), an alien who is a member of a
8 vulnerable group if the Secretary makes a de-
9 termination, using credible and individualized
10 information, that the use of alternatives to de-
11 tention will not reasonably assure the appear-
12 ance of the alien at removal proceedings, or
13 that the alien is a threat to another person or
14 the community. A pending criminal charge
15 against the alien may not be the sole factor to
16 justify the detention of the alien.

17 (C) REMOVAL.—If detention is the least
18 restrictive means of effectuating the removal
19 from the United States of an alien who is a
20 member of a vulnerable group, the subject of a
21 final order of deportation or removal, and not
22 detained under subparagraph (B), the Secretary
23 of Homeland Security may, solely for the pur-
24 pose of such removal, detain the alien for a pe-
25 riod that is—

1 (i) the shortest possible period imme-
2 diately preceding the removal of the alien
3 from the United States; and

4 (ii) not more than 5 days.

5 (2) WEEKLY REVIEW REQUIRED.—

6 (A) IN GENERAL.—Not less frequently
7 than weekly, the Secretary of Homeland Secu-
8 rity shall conduct an individualized review of an
9 alien detained under paragraph (1)(B) to deter-
10 mine whether the alien should continue to be
11 detained under such paragraph.

12 (B) RELEASE.—Not later than 24 hours
13 after the Secretary determines under subpara-
14 graph (A) that an alien should not be detained
15 under paragraph (1)(B), the Secretary shall re-
16 lease the alien.

17 (g) PROTECTIVE CUSTODY FOR LGBTI ALIEN DE-
18 TAINÉES.—

19 (1) DETAINEES.—An LGBTI alien who is de-
20 tained under subparagraph (B) or (C) of subsection
21 (f)(1) may not be placed in housing that is seg-
22 regated from the general population unless—

23 (A) the alien requests placement in such
24 housing for the protection of the alien; or

1 (B) the Secretary of Homeland Security
2 determines, after assessing all available alter-
3 natives, that there is no available alternative
4 means of separation from likely abusers.

5 (2) PLACEMENT FACTORS.—In a case in which
6 an LGBTI alien is placed in segregated housing pur-
7 suant to paragraph (1), the Secretary of Homeland
8 Security shall ensure that such housing—

9 (A) includes non-LGBTI aliens, to the ex-
10 tent practicable; and

11 (B) complies with any applicable court
12 order for the protection of LGBTI aliens.

13 (3) PROTECTIVE CUSTODY REQUESTS.—In a
14 case in which an LGBTI alien who is detained re-
15 quests placement in segregated housing for the pro-
16 tection of such alien, the Secretary of Homeland Se-
17 curity shall grant such request.

18 (h) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Secretary of Homeland Security should hire
20 a sufficient number of Refugee Corps officers for refugee
21 interviews to be held within a reasonable period of time
22 and adjudicated not later than 180 days after a request
23 for Priority 2 consideration is filed.

1 **SEC. 10. ENGAGING INTERNATIONAL ORGANIZATIONS IN**
2 **THE FIGHT AGAINST LGBTI DISCRIMINATION.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the United States should be a leader in ef-
6 forts by the United Nations to ensure that human
7 rights norms, development principles, and political
8 rights are fully inclusive of LGBTI people;

9 (2) United States leadership within inter-
10 national financial institutions, such as the World
11 Bank and the regional development banks, should be
12 used to ensure that the programs, projects, and ac-
13 tivities undertaken by such institutions are fully in-
14 clusive of all people, including LGBTI people; and

15 (3) the Secretary of State should seek appro-
16 priate opportunities to encourage the equal treat-
17 ment of LGBTI people during discussions with or
18 participation in the full range of regional, multilat-
19 eral, and international fora, such as the Organiza-
20 tion of American States, the Organization for Secu-
21 rity and Cooperation in Europe, the European
22 Union, the African Union, and the Association of
23 South East Asian Nations.

24 (b) ACTION THROUGH THE EQUAL RIGHTS COALI-
25 TION.—The Secretary of State shall promote diplomatic
26 coordination through the Equal Rights Coalition, estab-

1 lished in July 2016 at the Global LGBTI Human Rights
2 Conference in Montevideo, Uruguay, and other multilat-
3 eral mechanisms, to achieve the goals and outcomes de-
4 scribed in subsection (a).

5 **SEC. 11. REPRESENTING THE RIGHTS OF UNITED STATES**
6 **LGBTI CITIZENS DEPLOYED TO DIPLOMATIC**
7 **AND CONSULAR POSTS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that, recognizing the importance of a diverse work-
10 force in the representation of the United States abroad,
11 and in support of sound personnel staffing policies, the
12 Secretary of State should—

13 (1) prioritize efforts to ensure that foreign gov-
14 ernments do not impede the assignment of United
15 States LGBTI citizens and their families to diplo-
16 matic and consular posts;

17 (2) open conversations with entities in the
18 United States private sector that engage in business
19 in other countries to the extent necessary to address
20 any visa issues faced by such private sector entities
21 with respect to their LGBTI employees; and

22 (3) prioritize efforts to improve post and post
23 school information for LGBTI employees and em-
24 ployees with LGBTI family members.

25 (b) REMEDIES FOR FAMILY VISA DENIAL.—

1 (1) IN GENERAL.—The Secretary of State shall
2 use all appropriate diplomatic efforts to ensure that
3 the families of LGBTI employees of the Department
4 are issued visas from countries where such employ-
5 ees are posted.

6 (2) LIST REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of State shall submit to Congress—

9 (A) a classified list of each country that
10 has refused to grant accreditation to LGBTI
11 employees of the Department or their family
12 members during the most recent 2-year period;
13 and

14 (B) the actions taken or intended to be
15 taken by the Secretary, in accordance with
16 paragraph (1), to ensure that LGBTI employ-
17 ees are appointed to appropriate positions in ac-
18 cordance with diplomatic needs and personnel
19 qualifications, including actions specifically re-
20 lating to securing the accreditation of the fami-
21 lies of such employees by relevant countries.

22 (c) IMPROVING POST INFORMATION AND OVERSEAS
23 ENVIRONMENT FOR LGBTI ADULTS AND CHILDREN.—

24 (1) IN GENERAL.—The Secretary of State shall
25 ensure that LGBTI employees and employees with

1 LGBTI family members have adequate information
2 to pursue overseas postings, including country envi-
3 ronment information for adults and children.

4 (2) NON-DISCRIMINATION POLICIES FOR U.S.
5 GOVERNMENT SUPPORTED SCHOOLS.—The Sec-
6 retary shall make every effort to ensure schools
7 abroad that receive assistance and support from the
8 United States Government under programs adminis-
9 tered by the Office of Overseas Schools of the De-
10 partment of State have active and clear non-
11 discrimination policies, including policies relating to
12 sexual orientation and gender identity impacting
13 LGBTI children of all ages.

14 (3) REQUIRED INFORMATION FOR LGBTI CHIL-
15 DREN.—The Secretary shall ensure that information
16 focused on LGBTI children of all ages (including
17 transgender and gender nonconforming students) is
18 included in post reports, bidding materials, and Of-
19 fice of Overseas Schools reports, databases, and ade-
20 quacy lists.